

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1258 of 2005

Between:

A.Madhusudhan Rao, S/o.Late A.Suryanarayana
R/o.Menakur, Naidupet, Naidupet Mandal,
Nellore, District.

..... PETITIONER

AND

1 The Andhra Pradesh State Handloom Weavers Co-operative society
Limited, rep.by its Chairman, Weavers Bhavan, Narayanaguda,
Hyderabad.

2 The Vice Chairman & Managing Director, A.P.S.H.W.Co-Operative
Society, Ltd., Weavers Bhavan,
Narayanaguda, Hyderabad-29.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in keeping pending the appeal submitted by the petitioner against the orders of termination as illegal and arbitrary and consequently direct the respondents to consider the appeal dated 16-5-2002 submitted by the petitioner as per the by-Laws of the service conditions of the APCO employees forthwith.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: MR.N.RAJESWAR RAO

The Court made the following :

ORDER:

The writ petition is filed seeking a Mandamus to declare the action of the respondents in keeping the appeal submitted by the petitioner pending against the orders of termination as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

Challenging the termination orders, the petitioner seems to have file an appeal before the 2nd respondent -Vice Chairman & Managing Director dated 16-05-2002, but no orders have been passed so far. Aggrieved by the same, the present writ petition is filed.

The petitioner cannot be permitted to prosecute two parallel remedies in respect of the same incident. The prayer in this writ petition only to consider the appeal in accordance with law and the byelaws of the respondents' corporation extending the service rules and conditions of the employees.

Therefore, without going into the merits of the case, I consider it appropriate to direct the respondents to consider the appeal filed by the petitioner dated 16-5-2002 and dispose it of, if not already disposed of, in accordance with the law and the byelaws of the respondent corporation, within a period of two months from the date of receipt of a copy of this order.

With the above direction the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

1st February 2005.

mrh

To

- 1 The Andhra Pradesh State Handloom Weavers Co-operative society
Limited, rep.by its Chairman, Weavers Bhavan, Narayanaguda,
Hyderabad.
- 2 The Vice Chairman & Managing Director, A.P.S.H.W.Co-Operative
Society, Ltd., Weavers Bhavan,
Narayanaguda, Hyderabad-29.
3. Two CD Copies.